

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE RIECO,)	Civil Action No. 2:14-cv-00351
)	
Plaintiff,)	District Judge Arthur J. Schwab
)	
v.)	
)	
BRIAN COLEMAN, et al.,)	
Defendants.)	

MEMORANDUM ORDER

This case was commenced on March 18, 2014, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Defendant Dr. Saavedra and the DOC Defendants filed separate Motions to Dismiss, both of which were converted into Motions for Summary Judgment on the issue of exhaustion (ECF Nos. 39 and 41, respectively).

On May 7, 2015, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 64) recommending that the motions to dismiss which had been converted into motions for summary judgment be granted. The Report and Recommendation was mailed to Plaintiff at his listed address of record. Plaintiff was advised that written objections to the Report and Recommendation were to be filed by May 26, 2015. On May 18, 2015, Plaintiff requested an extension of time to file his written objections. Said request was granted and Plaintiff was given until June 5, 2015 to file written objections.

The time has now passed for filing written objections. Plaintiff has not filed any objections nor has he requested additional time in which to do so.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th day of June, 2015:

1. The Motion to Dismiss filed by Defendant Dr. Saavedra (ECF No. 39) and the Motion to Dismiss filed by the DOC Defendants (ECF No. 41), both of which have been converted into a Motion for Summary Judgment on the issue of exhaustion, are **GRANTED**; and

2. **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 64) dated May 7, 2015, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

So **ORDERED** this 10th day of June, 2015.


Arthur J. Schwab
United States District Judge

cc: DWAYNE RIECO
HU2494
PO Box 99991
Pittsburgh, PA 15233
(via U.S. First Class Mail)

Mary Lynch Friedline
Office of Attorney General
(via ECF electronic notification)

Yana L. Warshafsky
Office of the Attorney General
(via ECF electronic notification)

Cassidy L. Neal
Mats Baum O'Connor P.C.
(via ECF electronic notification)